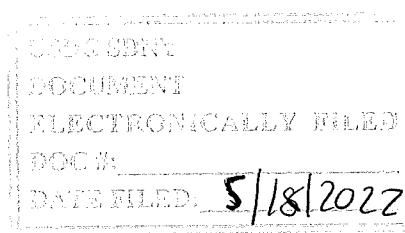


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 RACHEL PERLSTEIN, :  
                        Plaintiff, :  
                        :  
                        :  
                        v. :  
                        :  
                        :  
 TRANSUNION, LLC, and BANK OF :  
 AMERICA, N.A., :  
                        Defendants. :  
 -----x



**ORDER**

22 CV 2381 (VB)

As discussed at the conference held today and attended by counsel for all parties, on May 17, 2022, defendant Bank of America, N.A. (“Bank of America”) moved to dismiss the complaint. (Doc. #26).

Accordingly, it is hereby ORDERED that, by no later than May 27, 2022, plaintiff must notify the Court by letter whether she (i) intends to file an amended complaint in response to Bank of America’s motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss.

If plaintiff elects not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in Bank of America’s motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”); accord F5 Cap. v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiff elects to file an amended complaint, she must file the amended complaint by

no later than 14 days after notifying the Court of her intent to do so. Within 21 days of such amendment, each defendant may either: (i) file an answer to the amended complaint; (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that it is relying on its initially filed motion to dismiss or answer, as applicable.

Dated: May 18, 2022  
White Plains, NY

SO ORDERED:



\_\_\_\_\_  
Vincent L. Briccetti  
United States District Judge